SBCivil Writ Petition No.4278/2003
(Rajendra Kumar v. State of Raj. & Anr.)

Date of Order :: 30th January, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Anil Bhandari, for the petitioner.
Mr. B.L.Tiwari, Dy.Govt.Advocate.

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By order dated 28.5.2003 passed by Director, College Education, Government of Rajasthan, Jaipur, the petitioner was placed under suspension as he was detained in custody on a criminal charge for a period exceeding 48 hours.

It is contended by the petitioner that Principal, Government College, Rajsamand by his communication dated 16.7.2003 communicated to the Director, College Education, Jaipur that the petitioner was not involved in any act of criminal charge or misconduct. The Principal reiterated his stand by an another communication dated 26.4.2004, from reading of which it also appears that a preliminary inquiry was conducted at college level wherein the allegations with regard to involvement of the petitioner in any act of misconduct were not found proved. The grievance of the petitioner is that the respondents for no just and valid reason keeping him under suspension.

The petitioner alongwith an additional affidavit placed certain documents on record. From

perusal of an order dated 12.1.2006 passed by learned additional Sessions Judge (Fast Track), Rajsamand it is apparent that cognizance of the allegations with regard to criminal charge against the petitioner was not taken. In view of the order dated 12.1.2006 passed by learned Additional Sessions Judge (Fast Track), Rajsamand it is quite clear that no case for criminal charges now exists against the petitioner. It is also the position admitted that no disciplinary action is pending or under contemplation against the petitioner, therefore, retention of petitioner under suspension is absolutely unwarranted.

Accordingly, this petition for writ is allowed. The order dated 28.5.2003 placing the petitioner under suspension is quashed. The petitioner is required to be reinstated forthwith. No sufficient reason now exists for placing the petitioner under suspension, therefore, the petitioner is also declared entitled for getting full wages for the period he remained under suspension in pursuant to the order dated 28.5.2003.

No order as to costs.

(GOVIND MATHUR),J.

kkm/ps.